

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 3, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	James O. Tracy, Utah County Sheriff
David Shawcroft, Utah County Deputy Attorney	Mike Forshee, Utah County Sheriff's Office
Paul Jones, Utah County Deputy Attorney	Dalene Higgins, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Tom Hodgson, Utah County Sheriff's Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Peter Quittner, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Amy Spotten, Utah County Sheriff's Office
Kris Poulson, Utah County Assessor	R. Williams, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Gary Ratcliffe, Utah County Surveyor
Brandon Larsen, Community Development	Robert C. Kirk, Utah County Treasurer
Lana Jensen, Utah County Personnel Director	Larry Ballard, Utah County Resident
Don Nay, Utah County Public Works Assoc. Director	Ross Welch, Provo Resident
Jeff Smith, Utah County Recorder	Mike Stansfield, Fairways Media
Andrea Allen, Utah County Recorder's Office	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:05 A.M. and welcomed those present. The Board momentarily recessed and allowed the bench to be used for a brief meeting of the Administrative Control Board of the Utah Valley Road Special Service District. They also assembled as the Municipal Building Authority of Utah County, and the Board of Trustees of Utah County Service Area Nos. 6, 7, 8, and 9, respectively. The Utah County Board of Commissioners reconvened at 9:21 A.M. and the following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Burt Harvey, Utah County Clerk/Auditor - Tax Administration Supervisor

PUBLIC HEARING

**PUBLIC HEARING TO DISCUSS, CONSIDER, AND RECEIVE PUBLIC COMMENTS
CONCERNING THE YEAR 2014 BUDGETS FOR THE GENERAL FUND AND OTHER
BUDGETARY FUNDS OF UTAH COUNTY, UTAH (*Public Hearing set October 29, 2013*)**

Commissioner Witney noted that this public hearing and coordinating agenda item to adopt a resolution for the 2014 Budgets (see Regular Agenda Item No. 9 on Page 4) would be continued to the next meeting of the Board. Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg noted that legal notices were posted to advertise this hearing; there is no issue in continuing the session as long as it is opened to comment today. Commissioner Witney invited members of the public forward.

Utah County resident Larry Ballard approached the bench. Mr. Ballard noted that Utah County anticipates the collection of \$37,800,000 in property taxes this year, \$7,200,000 of which being assessing and other fees. Twenty million dollars will be collected in sales tax. He pointed out the cost of collecting taxes in relationship to total revenues. Mr. Ballard suggested that the commissioners visit his web page for other funding concepts and ideas. Mr. Ballard also spoke about

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a proposed gasoline tax and the issue of inflation. He commended the work of the Board on the budget, especially the fact that property taxes are not to be raised despite anticipated raises for county employees. Mr. Ballard expressed concern that we may simply be postponing the inevitable due to inflation, and mentioned he would provide a report to the commissioners regarding that issue.

Larry Ballard asked whether one-time funding could result in additional property taxes or other types of taxes, and Commissioner Ellertson clarified that it will mostly come from reserves. He added the hope that proper management will prevent any increases. Commissioner Ellertson also mentioned that the proposed 2014 Budgets do not reflect any type of gasoline taxes, and is not anticipated within the next year. Mr. Ballard's final point was to address debt services being considered a "major" fund; he requested that the Board consider creative new ways to reduce and retire the debt.

The commissioners thanked Larry Ballard for his comments, and Commissioner Ellertson noted for the record that there is no current general obligation debt; everything is associated with a revenue stream of related sales tax, including a dedicated source for transportation.

Commissioner Ellertson made the motion to continue the Public Hearing to discuss the Year 2014 Budgets for the General Fund and other budgetary funds of Utah County, Utah to the December 10, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson**

NAY: None

CONTINUED TO DECEMBER 10, 2013

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A LETTER TO ROBERT McMULLIN OF McMULLIN ORCHARD INC. AND SOUTH SHORE FARMS, L.C., REGARDING THE USE OF THE McMULLIN ORCHARDS BUILDING LOCATED AT 5625 WEST 12000 SOUTH, PAYSON, UTAH FOR A PUBLIC HEARING REGARDING THE PROPOSED INCORPORATION OF WEST MOUNTAIN CITY ON TUESDAY, DECEMBER 3, 2013 AT 6:00 PM**

- 2. APPROVE (OR DENY) PINE GROVE SUBDIVISION, PLAT "A" AMENDED, SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**

Commissioner Ellertson asked about the lots this amendment would affect, and Brandon Larsen of the Utah County Community Development Office explained that it would be for one lot. The Board's decision would determine whether or not a permit for this owner is approved or denied for the 50-acre parcels. There was some discussion regarding fire breaks surrounding the structure, and the commissioners ultimately decided to approve the plat.

- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 61299, DATED NOVEMBER 25, 2013**

- 4. APPROVE THE MINUTES OF THE NOVEMBER 19, 2013 COMMISSION MEETING**

Commissioner Ellertson noted a small error in who made the motion to adjourn the meeting on Page 6 of the minutes; they were corrected accordingly.

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5. **RATIFICATION OF PAYROLL**

Period 24 6 Checks: \$3,629.40 1,097 Total Deposits: \$1,429,272.19 Total: \$1,432,901.59
Federal Payroll Taxes Total: \$ 209,968.32

6. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 1,071	November 25, 2013	Purchasing Cards 1038-1039	Total: \$	19,237.99
Register No. 1,072	November 25, 2013	Direct Deposit:18287-18300	Total: \$	15,465.43
Register No. 1,073	November 25, 2013	Check Nos. 187857-187930	Total: \$	228,503.39
Register No. 1,074	November 25, 2013	Direct Deposit:18301-18303	Total: \$	718,795.20
Register No. 1,075	November 25, 2013	Purchasing Cards 1040-1052	Total: \$	1,650.88
Register No. 1,076	November 25, 2013	Check Nos. 187931-188014	Total: \$	321,295.23
Register No. 1,077	November 26, 2013	Direct Deposit:18304-18304	Total: \$	210.00
Register No. 1,078	November 26, 2013	Check Nos. 188015-188082	Total: \$	2,712.00
Register No. 1,079	November 26, 2013	Direct Deposit:18305-18305	Total: \$	21.50
Register No. 1,080	November 26, 2013	Purchasing Cards 1053-1054	Total: \$	534.40
Register No. 1,081	November 26, 2013	Check Nos. 188083-188118	Total: \$	121,227.19
Register No. 1,082	November 27, 2013	Direct Deposit:18306-18316	Total: \$	737,314.25
Register No. 1,083	November 27, 2013	Check Nos. 188119-188136	Total: \$	81,776.19
Register No. 1,084	November 27, 2013	Direct Deposit:18317-18320	Total: \$	1,441.30
Register No. 1,085	November 27, 2013	Check Nos. 188137-188138	Total: \$	163.00
Register No. 1,086	November 27, 2013	Check Nos. 188139-188154	Total: \$	11,342.04
Register No. 1,087	November 27, 2013	Direct Deposit:18321-18322	Total: \$	29,744.32
Register No. 1,088	November 27, 2013	Check Nos. 188155-188166	Total: \$	27,339.18
Total: \$				<u>2,318,773.49</u>

Consent Agenda Item Nos. 1 through 6 were approved as written, with changes noted to Consent Agenda Item No. 4. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY SHERIFF'S OFFICE**

3. **DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY BRADLEY WEBER, ATTORNEY REPRESENTING CHAD MOFFAT RELATED TO PARCEL SERIAL NO. 48:362:0002**
(Continued from the October 8, November 5, November 19, and November 26, 2013 Commission meetings)

The commissioners requested that Regular Agenda Item No. 3 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND PROVO SCHOOL DISTRICT, FOR PREVENTION SERVICES**

6. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND SPRINGVILLE CITY, TO ESTABLISH THE COMMUNITIES THAT CARE PROGRAM**

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SERVICE OF PROCESS AGREEMENT WITH THE LAW OFFICE OF KELLY PETERSON, PLLC**

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8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2011-687 WITH SECURE ALERT, INC. FOR PRISONER TRACKING SERVICES**

9. **ADOPT A RESOLUTION APPROVING THE 2014 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH**

The Board suggested that Regular Agenda Item No. 9 be continued to the next meeting of the Board.

CONTINUED TO DECEMBER 10, 2013

ACTIONS TAKEN

The Public Hearing was continued to the December 10, 2013 meeting of the Board. Consent Agenda Item Nos. 1, 5 and 6 were ratified; and Nos. 2, 3 and 4 were approved. Regular Agenda Item No. 2 was approved; No. 3 was continued without date; Nos. 5, 7 and 8 were approved and authorized; No. 6 was adopted; and No. 9 was continued to the December 10, 2013 meeting of the Board.

AGREEMENT NOS.: 2013-774, 2013-775, 2013-776, 2013-777, 2013-778, 2013-779 and 2013-780

RESOLUTION NOS.: 2013-158 and 2013-159

REGULAR AGENDA

1. **RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR DECEMBER 2013**

JoDee Kimber of the Utah County Sheriff's Office was recognized as the Utah County Employee of the Month for December 2013.

4. **ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE SECTION 5-12: NATURAL HAZARDS OVERLAY ZONE, DEALING WITH AMENDMENTS TO THE REQUIREMENTS OF THE NATURAL HAZARDS OVERLAY ZONE**

Brandon Larsen of the Utah County Community Development Office summarized the need for this ordinance to address natural hazards, such as fault rupture in unincorporated areas of the county. With increasing development, especially on hillsides, it is important that documents associated with requirements are clear to builders. Commissioner Witney asked whether the amendments will create more expenses for homeowners in those areas, and Mr. Larsen stated no; not any more than they are already paying for hazards assessment. Bryce Armstrong of the Community Development Office added that these original maps have for the most part not been altered since the 1980's - the applicable hazards need to be updated. Commissioner Ellertson asked how hazardous areas are defined, and Mr. Armstrong and Mr. Larsen explained that potential is determined by geography and previous experiences.

Commissioner Ellertson made the motion to adopt the ordinance amending the Utah County Land Use Ordinance Section 5-12: Natural Hazards Overlay Zone as defined in Regular Agenda Item No. 4. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

ORDINANCE NO. 2013-11

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10. ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND OREM CITY

When Commissioner Witney asked if this agreement is specific to construction, Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg clarified that the county will pay when an itemized bill is received. Commissioner Ellertson commented on reimbursement, and Mr. Sundberg mentioned that the resolution and agreement is for Orem City's Center for Story facility.

Commissioner Ellertson made the motion to adopt the resolution approving and authorizing an interlocal cooperation agreement with Orem City as defined in Regular Agenda Item No. 10. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

RESOLUTION NO. 2013-160
AGREEMENT NO. 2013-781

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

11. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

STRICKEN

13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 11, 13, and 15 to set dates, times and locations for closed meetings for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

12. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

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Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

SET

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

SET

WORK SESSION

1. PRESENTATION ABOUT THE UTAH HONOR FLIGHT PROGRAM

Commissioner Ellertson explained that Utah Honor Flight is a program dedicated to World War II veterans, introducing Robert Franson for comments and expressing gratitude to all those who have fought for the freedom of our great country. Mr. Franson came forward and presented a video summarizing the mission of Honor Flight.* He is part of the Utah branch, working through Panoramaland Resource Conservation & Development to raise funds that go toward giving senior and terminally ill veterans a chance to visit the National World War II Memorial in Washington, D.C.

Robert Franson explained that Honor Flight is a national program. They raise money and search for “Guardians,” volunteers that accompany disabled or older veterans from all over the United States. The veterans are provided with transportation, lodging, and other needs from their home cities to Washington, D.C. Mr. Franson is an avid volunteer; he is not here to request money today, but the organization is always seeking veterans and volunteers. He mentioned a presentation to take place at the Utah Jazz Game on Saturday, December 7, 2013, and provided details on accessing their web sites.* Mr. Franson noted the importance of reaching as many veterans as possible, and as soon as possible; with the Second World War having ended nearly sixty-five years ago, the number of living soldiers is dwindling. They are a treasure to be cherished and honored and this program serves both of those goals.

Utah County Sheriff James O. Tracy asked from the audience whether sky miles can be donated in place of cash, and Commissioner Ellertson commented on the phenomenal experience of visiting the memorials. Robert Franson shared a personal story with the Board. His father served in the South Pacific during World War II and passed on in 2002, and Mr. Franson participates in Honor Flight in respect to him. Growing up, he did not understand why Navajo children were always invited to his home for meals and special occasions. Mr. Franson did not know until recently that his father had been a gunnery sergeant (similar to those portrayed in the 2002 movie “Windtalkers”) who had used Navajo language as code during combat.

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The commissioners repeatedly thanked Robert Franson for his speech, expressing enthusiastic support of the program.

*Please refer to the final page of these minutes for additional notations.

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:00 A.M. to go into closed meetings. The public meeting reconvened at 10:41 A.M.

Commissioner Anderson made the motion to adjourn the December 3, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:42 A.M. The minutes of the December 3, 2013 Commission Meeting were approved as transcribed on December 17, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant

*Work Session:

The video on Utah Honor Flight, presented by Robert Franson, can be viewed at http://youtu.be/_VoWKh_T6aA. During the meeting, Mr. Franson also provided <http://panoramalandrccd.org/> and <http://www.honorflight.org/> as web sites where more information on the program could be found. Two weeks later, he noted that the group now has a dedicated page at <http://www.utahhonorflight.org/>.